

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TELE-GUÍA TALKING YELLOW  
PAGES, INC.

Plaintiff,

v.

CABLEVISION SYSTEMS  
CORPORATION,

Defendant.  
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Civil Case No.: 07-civ

ECF CASE

TRIAL BY JURY DEMANDED

JUDGE COTE

07 CIV. 3948

COMPLAINT

Plaintiff, Tele-Guía Talking Yellow Pages, Inc. ("Tele-Guía" or "Plaintiff") by  
and through its attorneys, for its complaint against Defendant Cablevision Systems  
Corporation ("Cablevision" or "Defendant"), hereby alleges as follows:

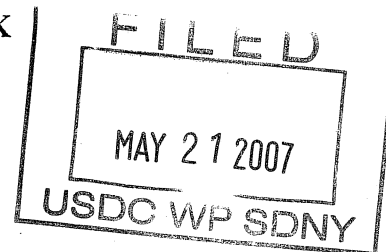
NATURE OF ACTION

1. In this action, Tele-Guía seeks injunctive relief, lost profits, damages,  
costs, and attorneys' fees for Defendant's acts of willful patent infringement.

JURISDICTION AND VENUE

2. This Court has original jurisdiction of this action pursuant to 15 U.S.C. §§  
1121, 28 U.S.C. §§ 1331 and 1338 and 35 U.S.C §281 et seq., as more fully appears  
below.

3. Upon information and belief, Defendant contracts television services,  
transacts business in New York and is within this judicial district, and the tortious acts of



Defendant complained of in this Complaint, including, without limitation, the offer of Defendant's infringing services, have been and continue to be committed, and have caused harm to Plaintiff, within this judicial district.

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1400.

### **THE PARTIES**

5. Plaintiff, Tele-Guía Talking Yellow Pages, Inc. ("Tele-Guía") is a corporation duly organized and existing under the laws of the State of Puerto Rico, having a principle place of business in San Juan, Puerto Rico. Tele-Guía is dedicated to commercial licensing of intellectual property rights, duly secured and registered, including patented inventions relevant to the infringement subject of this complaint.

6. Upon information and belief, Cablevision is a corporation duly organized and existing under the laws of the State of Delaware, having corporate offices at 1111 Stewart Avenue, Bethpage, New York 11714-3581.

### **GENERAL ALLEGATIONS**

#### **The Patent**

7. Tele-Guía is the owner of U.S. Patent No. 5,187,735, filed on May 1, 1990 and issued on February 16, 1993 (hereinafter, the "'735 Patent'") and U.S. Patent No. 5,479,491, filed on December 16, 1994 and issued on December 26, 1995 (hereinafter, the "'491 Patent'", or collectively, the "Patents"). The inventions are the subject of the patents and the source of this complaint, and involve several applications and/or claims of the following devices and/or systems: INTEGRATED VOICE MAIL BASED VOICE AND INFORMATION PROCESSING SYSTEM.

8. The Patents are valid and are in full force and effect.
9. Tele-Guía is the record owner of the Patents.

**The Defendant**

10. Without the authorization or consent of Tele-Guía, Cablevision is contracting subscribers to use services which infringe the Patents (the “Infringing System”).
11. Tele-Guía and Cablevision are engaged, at least in part, in the business of offering the same type of services, to the same class of customers, through the same channels of trade.
12. From time to time, Cablevision makes available phone numbers through which subscribers can order Pay Per View. One of these such numbers are: 1-800-885-PPV1.
13. Cablevision’s actions, including the offer and promotion of services of the Infringing Systems, have injured and have interfered with Tele-Guía’s relationships with suppliers, distributors, and customers.

**COUNT I**  
**PATENT INFRINGEMENT**

14. Tele-Guía repeats and realleges each and every allegation contained in the prior paragraphs.
15. Tele-Guía is the owner of United States Patent Nos.: 5,187,735 and 5,479,491, which issued on February 16, 1993 and December 26, 1995, respectively, for an “integrated voice-mail based voice and information processing system.”

16. The Patents are valid and subsisting.
17. Upon information and belief, Cablevision is manufacturing, using, and/or offering services which infringe the Patents.
18. Cablevision is aware of the Patents, yet continues the infringing activities.
19. Upon information and belief, Cablevision's conduct and infringement of the Patents are willful and deliberate.
20. Cablevision's unlawful actions interfere with Tele-Guía's sales by unfairly diverting sales to Cablevision.
21. As a result of the diverted sales, Tele-Guía has suffered monetary damages.
22. The acts of Cablevision have caused irreparable harm and damage to Tele-Guía and have caused Tele-Guía to suffer monetary damages in an amount thus far not determined, but believed to be in excess of ten million dollars (\$10,000,000.00).
23. Based upon Cablevision's acts of willful infringement, rendering this as an exceptional case, Tele-Guía is entitled to injunctive relief, monetary damages, treble damages, costs, and attorneys' fees.

**COUNT II**  
**INDUCEMENT TO INFRINGE THE PATENT**

24. Tele-Guía repeats and realleges each and every allegation contained in the prior paragraphs.
25. By the actions plead in the foregoing paragraphs, Cablevision is actively inducing others to use a service / system which infringes the Patents.

26. Upon information and belief, Cablevision is aware of the Patents and continue the inducing activities.

27. Upon information and belief, Cablevision's conduct and inducement to infringe the Patents are willful and deliberate.

28. Cablevision's unlawful actions have interfered and continue to interfere with Tele-Guía's sales, have unfairly diverted and continue to divert sales to Cablevision, and have caused Tele-Guía monetary damages.

29. The acts of Cablevision have caused irreparable harm and damage to Tele-Guía and have caused Tele-Guía to suffer monetary damage in an amount thus far not determined, but believed to be in excess of ten million dollars (\$10,000,000.00).

30. Based upon Cablevision's acts of willful infringement, rendering this an exceptional case, Tele-Guía is entitled to injunctive relief, monetary damages, treble damages, costs, and attorneys' fees.

**WHEREFORE**, Tele-Guía demands judgment against Cablevision as follows:

A. That Cablevision's conduct willfully infringes the Patents in violation of 35 U.S.C. § 281 et seq.

B. That Cablevision and their agents, officers, directors, servants, employees, their successors and assignees, and all others in active concert or participation with Cablevision be preliminarily and permanently enjoined from directly or indirectly using or promotion any services / system that infringes one or more claims of the Patents.

C. That the Court award judgment in favor of Tele-Guía for the damages sustained by Tele-Guía and the profits made by Cablevision as a result of Cablevision's wrongful conduct.

D. That the Court award judgment in favor of Tele-Guía in the amount of treble damages.

E. That the Court award punitive damages to Tele-Guía in the amount to be determined, but believed to be in excess of ten million dollars (\$10,000,000.00).

F. That the Court award judgment against Cablevision for the full costs of this action, including reasonable attorneys' fees.

G. That the Court require a full and complete accounting of all monies received by Cablevision as a result of the manufacture, sale, advertising, and distribution of the Infringing System, together with an order transferring to Tele-Guía any amount found to be due to it.

H. That the Court declare this an exceptional case.

I. For interest on all amounts found to be due to Tele-Guía from Cablevision, at the prevailing rate, from the date said amounts or any part thereof became or becomes due.

J. That the Court order such other, further, and different relief as the nature of this action may require and that the Court may deem just and proper.

K. That the Court retain jurisdiction of this action for the purposes of enabling Tele-Guía to apply to the Court, at any time, for such further orders and directions may be necessary or appropriate for the interpretation or execution of any

order entered in this action, for the modification of any such order, for the enforcement or compliance therewith, and for the punishment of any violations thereof.

**TRIAL BY JURY DEMANDED**

Plaintiff demands a jury trial of all issues so triable.

Dated: May 21, 2007

Respectfully submitted,

**LACKENBACH SIEGEL LLP**

By:



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